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Prohibition Not a Dry Issue

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be convinced that the "right kind" of law student "already knows what constitutes moral and ethical conduct," and that character training, through a formal course in legal ethics will not affect the others.

Dean Kinnane goes on to say that the weakness of the latter view, which has escaped discussion, lies in a mistaken conception of the term "ethics." In the April issue of the American Bar Association Journal, Dean Kinnane says: "It is submitted that there is much in the canons of professional ethics that can be called 'ethics' only at the expense of confusing ethics and morality on the one hand with approved standards of professional decorum on the other. For, granting that the 'right kind' of law student has a proper perception of the obligations of morality, there are still many problems of professional decorum to be solved, and many that have been solved only after extended disagreement among even the learned and experienced members of the Bar. These problems are not necessarily problems of morality. And how a law student or a young lawyer is to know these solutions, or that some problems are still unsolved is not clear."

The writer discusses the matter in detail, under two heads: 1. Situations involving professional decorum rather than morality; and 2. Situations causing difficulty even now to experienced lawyers. He distinguishes between the professional obligation and the moral obligation, points to the difficulty which experienced practitioners have had in reaching conclusions on such matters as partnership and splitting fees, and concludes:

"There are many who come into the profession who would make their first contacts with formal moral studies as well as professional ethics if a course on Legal Ethics were offered, and such a possibility of usefulness should not be overlooked. Again, in the interest of preserving the integrity of the profession, an opportunity to show the penalties of transgression need not be overlooked. In religion we preach punishment, and in law we preach punishment, also, and there seems to be no adequate reason for ignoring a useful deterrent, by failing to spend some of the student's time in considering the matters of suspension and disbarment.

"That the questions that confront practitioners are not always easy is shown by the continued interest of the American Bar Association and other associations on the matter of proper professional conduct. Again it is shown by the present emphasis on character qualifications for admission to the Bar. Again it is shown by the numerous questions answered from time to time by the committee—to mention only one of the most celebrated—on professional ethics of the New York County Lawyers Association. This continued evidence of the difficulties inherent in the matter of professional ethics would seem to indicate the necessity for some instruction on this matter in the law schools. Whether such a course should be made compulsory cannot be stated without considering many other pertinent matters. The argument for not giving such a course, based on the assumption that the 'right kind' of student could not profit by it, seems, however, to be based on grounds of doubtful validity."

PROHIBITION NOT A "DRY" ISSUE

Without doubt, prohibition is regarded as one of the major issues at the present time. At any rate, it appears to be accepted no longer as something definitely and firmly established as a national policy.

At a recent Cass County Bar Association meeting, Francis Murphy, Fargo, challenged the constitutionality of the 18th amendment, if press reports are reliable. His contentions, in brief, were stated to be:

1. That it is contrary to general principles and beyond the limit to which the government can interfere with personal independence;
2. That it is contrary to American conceptions of law on the ground that law is governed by the people and not by a small number of legislators;
3. That the 18th amendment is not an amendment in reality, but delegates to the federal government a new and independent power without the consent of the people.

Mr. Murphy, of course, acknowledged that the Supreme Court of the United States had upheld the constitutionality of the amendment, but intimated that it had never given any reasons for the decision. The third point, while interesting, loses forcefulness through further consideration and contemplation. The more effective, and, possibly, fruitful, effort is indicated through a direct attack for repeal of the amendment.

DISTRICT ORGANIZATIONS

President Kvello's enthusiasm and inspirational leadership made its impression upon the practitioners of the fourth and sixth districts the past month, and they responded magnificently to the challenge of their obligations and opportunities. With the organization of the fifth district (Minot) on May 30th and 31st, for which a most elaborate program has been arranged, North Dakota will have an organization that should function pretty close to 100 per cent.

The fourth district selected Aloys Wartner, Harvey, as President, C. L. Foster, Bismarck, as Vice President, and H. E. Dickinson, McClusky, Secretary-Treasurer. Its next meeting will be at Fessenden or Harvey.

The sixth district, with practically every city and town represented, chose J. P. Cain, Dickinson, as President; H. P. Jacobson, Mott, Vice President, and Thos. G. Johnson, Killdeer, Secretary-Treasurer. Bowman and Hettinger extended invitations for the next meeting.

AMERICAN PROBLEMS

Next to the Literary Digest, the National Economic League is the most efficient straw-vote organization in the country. At frequent intervals it endeavors to ascertain the judgment of enlightened men on various subjects. The most recent survey resulted from a questionnaire, listing 70 subjects, from which its membership designated the "paramount" national problems. The seven leaders in the ballot were:

Administration of Justice	2,209
Prohibition	2,068
Lawlessness, Disrespect for Law	1,699
Crime	1,642
Law Enforcement	1,573
World Peace	1,235
Agriculture, Farm Relief	996

Of the 11,422 votes which went to the seven leaders, at least 7,123 and possibly 8,358, may be considered as dealing with matters that are very much the concern of lawyers, at least the lawyers, with their special opportunities for studying the particular problems, should have very definite opinions concerning them.